

UNITED STATES DISTRICT COURT

for the

District of Delaware

XPOINT TECHNOLOGIES, INC.

Plaintiff

v.

MICROSOFT CORPORATION, et al.

Defendant

Civil Action No. 09-cv-0628

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Motorola, Inc.
 c/o The Corporation Trust Company
 Corporation Trust Center
 1209 Orange Street
 Wilmington, DE 19801

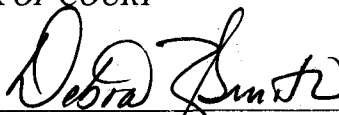
A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David J. Margules
 Bouchard Margules & Friedlander
 222 Delaware Avenue, Suite 1400
 Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 28 2009


Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for *(name of individual and title, if any)* MOTOROLA, INC
was received by me on *(date)* 8/31/09

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____, or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* SCOTT LASCALA (PROCESS AGENT), who is
designated by law to accept service of process on behalf of *(name of organization)* MOTOROLA, INC
C/O THE CORPORATION TRUST CO. 1209 ORANGE ST. WILMINGTON, DE on *(date)* 8/31/09, or


☐ I returned the summons unexecuted because _____, or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 8/31/09



Server's signature

BARRY EVELAND

Printed name and title

BRANDYWINE PROCESS SERVERS, LTD
PO BOX 1360
WILMINGTON, DE 19899

Server's address

Additional information regarding attempted service, etc:
